

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARTHUR JAMES GRIFFIN JR.,

Plaintiff,

vs.

OMAHA, CTY- PROSECUTOR,

Defendant.

8:23CV500

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Arthur James Griffin Jr.'s Motion for Leave to Proceed in Forma Pauperis ("IFP"), [Filing No. 2](#), and his motion to amend, [Filing No. 7](#).

As stated in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot bring a civil action . . . or proceeding [IFP] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\)](#).

The Court has previously determined that three or more federal court cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim upon which relief may be granted. *Griffin v. Omaha Police Dept et al.*, [Filing No. 10](#), 8:19-CV-495 (D. Neb.) (finding Plaintiff has "three strikes" and dismissing complaint

pursuant to [28 U.S.C. §1915\(g\)](#)). Previous cases that were brought by Plaintiff and that were dismissed include: *Griffin v. Newton, et al.*, Filing Nos. [7](#) & [8](#), 8:09-CV-400 (D. Neb.) (finding Plaintiff's complaint failed to state a claim for relief and dismissing case on March 18, 2010, after Plaintiff failed to amend complaint), *Griffin v. Herrick, et al.*, Filing Nos. [15](#) & [20](#), 8:18-CV-316 (D. Neb.) (finding Plaintiff's complaint failed to state a claim for relief and dismissing case on October 24, 2018, after Plaintiff failed to amend complaint), and *Griffin v. State of Nebraska, et al.*, Filing Nos. [13](#) & [18](#), 8:18-CV-317 (D. Neb.) (finding Plaintiff's complaint failed to state a claim for relief and dismissing case on October 24, 2018, after Plaintiff failed to amend complaint).

On the Court's own motion, Plaintiff is ordered to show cause within 30 days of this Court's Memorandum and Order why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. §1915\(g\)](#). Alternatively, Plaintiff may pay the Court's \$405.00 filing and administrative fees within 30 days. In the absence of good cause shown, or the payment of the necessary fees, this matter will be dismissed without further notice.

IT IS THEREFORE ORDERED:

1. Plaintiff has 30 days from the date of this Memorandum and Order to show cause why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. §1915\(g\)](#). In the alternative, Plaintiff may pay the \$405.00 filing and administrative fees within 30 days. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.

2. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: **January 18, 2024**: deadline for Plaintiff to show cause or pay fees.

3. Until Plaintiff is either granted IFP status or pays the filing fee this matter cannot proceed. As such, Plaintiff's motion to amend, [Filing No. 7](#), is premature and is denied without prejudice to reassertion once the filing fee issue is resolved.

Dated this 19th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Judge